

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DF
clm

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RASHEED IRWIN, a minor, by his mother and natural
guardian FREDRICKA IRWIN, and FREDRICKA
IRWIN, individually,

Plaintiffs,

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

-against-

04 CV 3500 (FB)(RLM)

CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, POLICE OFFICER DAVID
RODRIGUEZ (Shield No. 8949), in his individual and
official capacities, POLICE OFFICER EDWARDS
(Shield No. 27013), in his individual and official
capacities, POLICE OFFICER ALEXIS (Shield No.
30493), in his individual and official capacities, and
POLICE OFFICERS JOHN DOES 1-10, in their official
and individual capacities,

Defendants.

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WHEREAS, plaintiffs commenced this action by filing a complaint on or about
August 13, 2004 and an amended complaint on or about March 4, 2005, alleging that defendants
violated their constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs'
allegations; and


WHEREAS, the parties now desire to resolve the issues raised in this litigation,
without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiffs the sum of FIFTEEN THOUSAND DOLLARS (\$15,000) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiffs agree to dismissal of all the claims against the City of New York and to release the individually named defendants Police Officers David Rodriguez, Dion Edwards, Eric Alexis, and the individuals identified in the caption of the amended complaint as "Police Officers John Does 1-10," any present or former employees or agents of the City of New York and the New York City Police Department, the City of New York and the New York City Police Department from any and all liability, claims, or rights of action arising from and contained in the amended complaint in this action, including claims for costs, expenses, and attorney fees.

3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of ~~No~~ Liens.

concerning 

4. Other than as set forth in paragraph "2" above, plaintiffs and their counsel, or any party in privity with them, shall have no recovery for any damages, injury, equitable or other relief, or fees or costs in connection herewith.

5. Settlement of this action is conditioned on compliance with the provisions set forth in Rule 83.2 of the Local Civil Rules of this Court ("Settlement of Actions by or on

Behalf of Infants or Incompetents, Wrongful Death Actions, and Conscious Pain and Suffering Actions”) and Rule 1207 et seq. Of the Civil Practice Laws and Rules for the State of New York.

6. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiffs’ rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

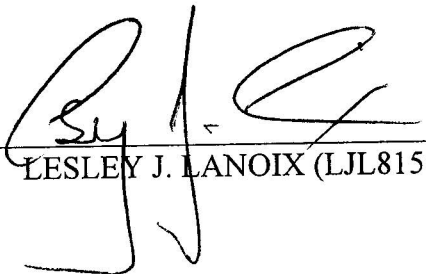
7. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

8. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: _____

LESLEY J. LANOIX, ESQ.
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By: 
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The New York City Police Department, and
Police Officers David Rodriguez, Dion
Edwards and Eric Alexis
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By: 
ANNA NGUYEN (AN 6973)
Assistant Corporation Counsel

 ORDERED:

U.S.D.J.

1/23/06